

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6272 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

KANKOOBEN DAUGHTER OF DEVABHAIDEDHABHAI

Versus

COMPETENT AUTHORITY & ADDL. COLLECTOR

Appearance:

MR MI HAVA for Petitioner
MR DN PATEL, AGP for Respondent No. 1

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 11/12/97

ORAL JUDGEMENT

The petitioner submitted Form No. 5 for development of a Scheme of a land for weaker section of the society, under Section 21 of the Act, on 12.11.1992 with the Competent Authority. It is the case of the petitioner that, she supplied all the details and particulars as well as copies of the estimates, plans,

village Forms Nos. 7, 10 etc. However, the said Scheme was rejected by the Competent Authority, by order dated 23.5.1995. By an earlier order dated 30.11.1993, purported to have been passed under Section 9 of the Act, the Competent Authority declared 6844 sq.mtrs. of land from Survey No. 509 as excess vacant land. Against the said decision, the petitioner preferred appeal before the Appellate Authority which also came to be rejected by an order dated 15.5.1997.

It is the case of the petitioner that, she has supplied the complete details along with the scheme in Form No.5 and, therefore, there was no justification on the part of the authorities to reject the Scheme. Without going into the merits of the case as to whether the petitioner supplied the necessary documents as demanded by the Competent Authority or not, if the following directions are given, while remanding the matter, that would serve the end of justice:

Ld. Advocate Mr. Hava for the petitioner has requested that, instead of issuing the notice to the petitioner, it shall be issued to the ld. Advocate representing her whose address is given below:

Mr. Kishoresinh Mahida,
Advocate

Priya Apartment

Nanpura
Surat.

Therefore, the Competent Authority and Addl. Collector shall issue the notice to the said Advocate to remain present before him on the date fixed by him and call upon him to produce the necessary documents within a period of 15 (fifteen) days from the date of receipt of the notice. On receipt of the documents called for, the Competent Authority shall hear and decide the case afresh in accordance with law, within a period of four weeks from the date of receipt of the documents. Till the Competent Authority decides the matter, the status-quo as on today shall be maintained. Rule is made absolute accordingly to the said extent. No order as to costs.
